



FILED

FEB 7 PM 2:45

RICHARD W. MCKEEING  
CLERK OF COURT  
NORTHERN DISTRICT OF CALIFORNIA



1 Emanuel Simon El Bey  
2 Makare Akhet Aten Simon El Bey  
3 P.O. Box 1188  
4 Richmond Territory  
5 California State Republic  
6 Postal Zone [94802]  
7 510-439-2924

8 United States District Court  
9 Northern District of California

10  
11  
12  
13  
14 Berkeley Police Department  
15 State of California, Department of Motor Vehicles, et al  
16 Plaintiff,

Case #C-07-6126 MMC

17 v.  
18

Motion for Relief from  
Judgement/ Order/  
Remanding Action to  
State Court.

21 Emanuel Simon El Bey  
22 Makare Akhet Aten Simon El Bey  
23 Defendants.

24 In Propria

25 ORIGINAL JURISDICTION  
26 MINISTERS, CONSULS, DIPLOMATS: Article 3, Section 2 U.S.C.  
27 Federal Question:  
28 Constitution, Treaty, Religious Liberty, Etc.

Defendants Emanuel Simon El Bey, Makare Akhet Aten Simon El Bey filed writ of Mandamus in the Nature Of Removal on December 4<sup>th</sup> 2007. Defendants proceeded Propria Persona. Defendants filed Application to proceed in Forma Pauperis, December 4<sup>th</sup> 2007. The District Judge Chesney Filed December 13, 2007 order Directing Defendants to Supplement Notice of Removal; Directing Defendants to Serve Plaintiffs; Granting Application to Proceed in Forma Pauperis. Defendants served Plaintiffs December 21, 2007. Within this order filed, District Judge Chesney ordered Defendants to supply a supplement order to identify Plaintiffs claims against Defendants; include copies of pleading or any other documents, and or actions made by Plaintiffs or Defendants. Judge Chesney ordered Defendants to file Supplement Complaint on or before December 28, 2007. Defendants served Plaintiffs on December 21, 2007. Defendants filed Supplemental Writ of Mandamus as ordered December 20, 2007. December 28, 2007, Judge Chesney filed an Order Remanding Action to State Court. Motion or Relief from Judgement/ Order/ Remanding Action to State Court. Remanded Order Writ is in response to that order dated December 28, 2007. As well, a request for review in that Judge Chesney is in error of decision to Remand this case.

### **Cause of Action.**

(1.)

**Federal Rules of Civil Procedure, Rule 60(b) (void judgement) / Relief from Judgment or Order, Defendant moves to request Court for relief for various reasons.**

22 Plaintiffs engaged in (fraud, misrepresentation, misconduct, depriving Defendants of Inalienable  
23 rights; other Constitutional violations.)

24 In Order Remanding Action dated December 28, 2007, Judge Chesney filed, on page 2 Chesney  
25 stated that (“Defendants can satisfy a two part test. First, The Defendants must assert, as a  
26 defense to the prosecution, rights that are given to them by explicit statutory enactment  
27 protecting equal racial civil rights.”.) Defendants writ of Mandamus is not in defective error.

1 Defendants established Subject Matter Jurisdiction, and established, addressed the Federal  
2 Question. In defendants document dated December 20, 2007, page 11 Defendants stated  
3 "Plaintiffs knowingly conspiring with each other establishing false information of expired  
4 Drivers License Instruments, giving Demi-Officers, Hired Security Guards, Revenue Guards, and  
5 Code Enforcers "Delegation of Authority" to tow a Indigenous Natural Peoples land  
6 Conveyances off ( in this case Private Business Property) without a bonafide 4<sup>th</sup> Amendment  
7 Warrant signed, and sealed by a properly delegated federal judge, acted under improper  
8 administration, with obvious acquiescence of the elected Sheriff from Alameda County. He or  
9 She would be the only one to deal with International Affairs, and is required by the United States  
10 Constitution of North America, thus Automatically establishes , and begs the Federal Question.  
11 end quote.

12 Writ of Mandamus is complete and precise. It appears Judge Chesney is totally ignoring, and will  
13 not enforce the United States Constitution at which she took an oath to uphold, and secure the  
14 Pre-existing rights of the Natural Peoples. Judge Chesney is unlawfully depriving Defendants of  
15 a Due Law Process right to Remedy. Defendants filings as stated above are clear, comprehensive,  
16 as well points to Constitutional Law. Defendants rights are Inalienable Rights, Common Law  
17 rights that pre-exist. This is positive law. Judge Chesney is justifying Plaintiffs colorable, alleged  
18 agreements with negative law by supporting Plaintiffs State statutes; not securing Defendants  
19 Inalienable, Substantive rights as stated in the United States Constitution of North America.  
20 Judge Chesney is not being honest in her determination regarding the "Order to Remand". These  
21 torts and wrongful acts are obvious clear violations in that the Plaintiffs have breached the  
22 Constitution which is the Supreme Law of the Land. Plaintiff did breach and violate  
23 Constitutional Laws.

25 Inalienable rights pre-exist in that to prevent such torts from happening; as the criminal activity  
26 happened to the Defendants when their Automobile was stolen under colorable law. Defendants  
27 was forced to sign a illegal, colorable, ticket (contract) against her will which violates Defendants  
28

1 Inalienable rights. Defendants reserve and retain the Inalienable right to refuse and to not accept  
2 colorable fraudulent Drivers License instruments as being bona fide, and real. Defendants have  
3 the Inalienable right not do business with or contract with the Plaintiffs, The State of California,  
4 Department of Motor Vehicles, it's employees and Officials. These persons every day violate,  
5 disrespect, and abridge the Constitution of the United States of North America. They are an  
6 enemy to the Defendants who are Natural People of the land, as well Plaintiffs are enemies to  
7 humanity. Defendant's never have, never will agree to give up their Inalienable rights, nor have  
8 we forgotten, or abandoned our rights of "Due Process".

9 This in itself begs the federal question in that the Plaintiff ,State of California Constitution says  
10 that "All people are by nature free and independent and have inalienable rights"  
11 end quote. Plaintiffs has broken their own State Constitution with the people. These inalienable  
12 rights are inherent which establishes that People have the natural right to govern themselves  
13 within their own independence, not needing a State Corporation (Plaintiff) to tax, subjugate them  
14 into fraudulent de facto jurisdiction that deprives Defendants of their natural rights by ignoring  
15 them, and stealing, taking property that does not belong to the State of California, Department of  
16 Motor Vehicles, or Berkeley Police Department, the conspirators, and Plaintiffs in this case.  
17 Defendants have Inalienable rights, and cannot be separated from them. Defendants are part and  
18 parcel to the government and always will be. Plaintiffs have no jurisdiction over these rights such  
19 as they claim to have on the streets when Plaintiffs employ their revenue, demi, code  
20 enforcement guards to inflict harm to the people. Plaintiffs say one thing in a State constitution,  
21 and do another thing on the land where Indigenous Peoples travel, reside, and exercise naturally  
22 their inalienable rights. This in itself begs another Federal Question in that the State Corporation  
23 Plaintiff, is not carrying out the constitution. He has a totally different agenda, which throws the  
24 California Constitution into the trash. Plaintiffs are ignoring it for their own selfish, commercial  
25 gain to fraud the people and relinquish their Inalienable rights by signing their signature to a  
26 fraudulent document by force or suffer the consequences of punishment. Obviously, why would  
27  
28

1 you need to punish natural peoples to enforce a Constitution? You don't! You would only need  
2 to punish or bar the natural people from their Constitution in order to carry out a Fraudulent de  
3 facto government under auspices in codes, ordinances, statutes, policies, acts etc; which is not the  
4 Supreme law of the Land. This in itself begs another Federal Question. The Constitution has not  
5 been abandoned.

6 The Plaintiffs in this case have broken the Constitution Law of the United States of North  
7 America as well the California Constitution in several ways. Defendant will address how this was  
8 done throughout this response.

9 (a.)

10 In Defendants response to Judge Chesney quote, which is in error; Inalienable Substantive  
11 Rights belong to the Natural People at which Defendants stated in the Filed December 20, 2007,  
12 a Writ of Mandamus in the Nature of Removal page 4 line 26; (Defendants state Being decedents  
13 born in America, we are not of African decent, and we are not Africans from Africa. Defendants,  
14 (Moors) are Ancient Indigenous, Natural Peoples. Defendants (Moors) are not Negro, Black,  
15 African, Ethiopian, Colored, ect; which are brand names, tags, and not the correct definitions of  
16 Ancient Indigenous, Natural Peoples.)end quote.

17 (b.)

18 Defendants have Inalienable, and Substantive Rights which exists by nature, are natural, is  
19 originally divinely present, and cannot be departed. Defendants Inalienable rights, birthrights  
20 cannot be transferred, are not transferable, and cannot be taxed. The Government, State, City,  
21 Local Police etc, cannot transfer inalienable rights whatsoever. They do not posses the capacity to  
22 commit such an action by any means. The Plaintiffs, State of California Department of Motor  
23 Vehicles, and the Berkeley Police Department, California State Municipal, Superior Courts  
24 cannot give Defendants any rights. Municipal Ordinances , Statutes do not supercede the Secured  
25 Rights of the Natural People Set forth by the United States Constitution of North America.  
26 The Republican form of Government is established Supreme Law for governing the United  
27

1 States of America.

2 (2.)

3 Defendants Birthrights are all rights, possessions, privileges to which a Natural Person(s) are  
 4 born; As well it pertains to Civil Liberties as secured under a Free Constitution. Lawful  
 5 government cannot mandate anything whatsoever upon the Natural People. Their authority is  
 6 limited by the Constitution. Governments are put in place to Protect the rights of the People, not  
 7 use their authority given to them to violate through the Constitution. The Constitution cannot  
 8 give Defendants any rights. The Constitution was put in place to secure natural and pre-existing  
 9 inalienable/unalienable birthrights. Each branch of Government- National, State, City etc., all  
 10 officers, municipalities, public offices must take an oath to Uphold the Constitution and secure  
 11 the People's Rights. Secure the rights that are inherent in the Natural People. Alameda Superior  
 12 Court seats Commissioners who absolutely have no power to give Defendants inalienable rights  
 13 or anything else for that matter.

14 **The Supreme Court of The United States of America: Excise Tax**

15 *The Excise Tax may be described as an excise upon the particular privilege of doing business in  
 16 a corporate capacity, i.e. with the advantages, which arise from corporate or quasi-corporate  
 17 organization. The requirement to pay such taxes involves the exercise of privileges. Excises are  
 18 taxes laid upon the manufacture, sale, or consumption of commodities within the country, upon  
 19 licenses, to pursue certain occupations, and upon corporate privileges. No excise tax may be  
 20 imposed upon a right secured by the Constitution.*

21 (a.)

22 Their mission is to bar Defendants from their rights and sell them back to them as a privilege; by  
 23 agreeing to pay fees, fines, ect, in order to travel on the land. There is a big time robber in the  
 24 house. The State of California, Department of Motor Vehicles are Thieves! Plaintiffs Department  
 25 of Motor Vehicles, Berkeley Police Department operate under a Charter, which govern Business,  
 26 they cannot govern Ancient Indigenous Peoples, and their Property. Defendants do not travel on  
 27

1 the land commercially, and are not commercial. Defendants do not owe any taxes/fees to the  
2 Plaintiffs in the first regard. If we unknowingly do, Plaintiffs need to state in writing Under what  
3 Authority can they impose Registration fees, Drivers Licence on an Indigenous People by force.  
4 Plaintiffs need to prove the debt, and back it up with Constitutional Law.

5

6 (b.)

7 Plaintiffs do not operate under a Delegation of Authority Order. That is why they Cannot, and  
8 Never will provide legitimate document to show such Authority to lay and collect excise taxes on  
9 the Natural People of the Land.

10 Any claim from the Plaintiffs that a excise tax is a taxing statue, and is unacceptable and causes  
11 Defendants to have strongly concerned Objections of Judge Chesney as well Plaintiffs Actions.  
12 If the Plaintiffs, State of California, Department of Motor Vehicles had the power to tax a Right,  
13 it would enable the State to Destroy Inalienable rights guaranteed by the Constitution by the use  
14 of oppressive taxation. The power to tax Natural Indigenous people is the power to destroy, and  
15 if the State is given the power to destroy Inalienable rights through their systems of the  
16 Department of Motor Vehicles by enforcing registration fees, then the United States Constitution  
17 would be in vain and there would be no government.

18 A statute is unacceptable, unreasonable given that it requires the Indigenous Natural Person in a  
19 way which is vague; to give up his or her Inalienable right to travel on the land unrestricted in  
20 order to accept a privilege by signing a contract with the state on order to commit such an act. If  
21 it is such a statue, why does the Indigenous Natural have to sign a contract to make the statue  
22 stand? A State statue is not law. Indigenous Natural beings do not have to sign a contract to  
23 adhere to a legislative state statute in that the first premise does not connect to the other. A state  
24 statute is not an Inalienable Right, and cannot stand as such. A statute is oppressive and violates  
25 an Inalienable right in every instance to oppress or take away one's Inalienable right. With and  
26 inalienable right, The Plaintiffs have no right to destroy Defendants property, harm Defendants  
27

28

1 economically, and rob them of their property. A State statute requires one to sign a quasi contract  
2 of consent to be prosecuted for infractions, and other constructive crimes upon the public  
3 highways. A state statute was put in place to rob the Natural Indigenous Peoples of their  
4 Inalienable rights in that signing registration showing that fees have been paid for the year(s) to  
5 the Department of Motor vehicles automatically puts one into their fraudulent jurisdiction. This  
6 in itself gives the person no rights whatsoever in that you have signed a quasi contract given the  
7 State permission to harm and destroy the signer. The State (Plaintiffs) are fully aware what they  
8 are doing. They want to take control of the Indigenous Natural Peoples of the Land and forge  
9 them into a fraudulent jurisdiction that takes their rights away from them in order to control their  
10 finance and keep commerce flowing into their pockets. Plaintiffs desire to starve Defendants  
11 rights as Indigenous Peoples and rob them of their their Land Conveyance.

12 The State (Plaintiffs) are unconstitutionally restricting the Indigenous rights of the Natural People  
13 by placing limitations, damages, and negative consequences on a Natural person if they do not  
14 compensate the State (Plaintiffs) to travel on the land.

15 The United States Constitution of North America does not state that a compensation must be  
16 made to travel on the land.

17 The United States Constitution of North America does not state that a Indigenous Person must  
18 get permission from the State to travel on the land.

19 and,

20 The United States Constitution of North America does not state that in order to get permission  
21 from the State all one needs to do is pay a fee in U.S. dollars to settle a debt to the State at which  
22 the registration fee is being paid. Why does permission cost finance? Permission from the state  
23 and compensating them for the permission is more of a vague adhesive contract in that a fee is  
24 being paid for some type of services rendered. Since services are being rendered, are these  
25 services are not aligned, required under the United States Constitution?

26 Services for what Defendants ask? Are these services listed under the Statute? Between being

1 compensated for services and paying a fee for registration, the two do not make any sense, in that  
2 a crime is taking place, being veiled or disguised as something that it is not, and falls outside of  
3 the United States Constitution.

4 The State (Plaintiff) are enforcing a suite of services that must be compensated for before one can  
5 travel on the land. In order to receive these suite of services one must sign their documents and  
6 pay a fee in order to receive these services. The State (Plaintiffs) are interchanging words in order  
7 to get the People (Defendants) to fraudulently submit to be subjugated to pay for permission to  
8 do a thing that is unrestricted. The Plaintiffs use the word "registration fee".

9 **Registrant:** One who registers; particularly, one who registers anything (e.g. a trade-mark) for  
10 the purpose of securing a right or privilege granted by law on condition of such registration.

11 **Black Law Dictionary, 3<sup>rd</sup> edition.**

12 **Registrar.** An officer who has the custody or keeping of a registry or register. This word is used  
13 in England: "register" is more common in America.

14 **Registrar General.** In English law. An officer appointed by the crown under the great seal, to  
15 whom, subject to such regulations as shall be made by a principal secretary of state, the general  
16 superintendence of the whole system of registration of births, deaths, and marriages is intrusted.

17 3 Steph. Comm. 234.

18 **Registration of Stock.** In the Practice of corporations this consists in recording in the official  
19 books of the company the name and address of the holder of each certificate of stock, with the  
20 date of its issue, and, in the case of a transfer of stock from one holder to another, the names of  
21 both parties and such other details as will identify the transaction and preserve a memorial or  
22 official record of its essential facts. See Fisher v. Jones, 82 Ala. 117, 3 So. 13.

23 **Black Law Dictionary, 3<sup>rd</sup> edition.**

24 The state of California, Department of Motor Vehicles is a Corporation. Governments, can only  
25 record Births, Deaths, and Marriages. Governments cannot register Automobiles under the  
26 constitution. Corporations can register anything. Plaintiff is a Corporation acting as a government  
27

1 entity veiled under the State Constitution, Federal Constitution.  
2 This in itself begs another Federal Question; in that insolvent Corporations forcing Natural  
3 Indigenous Peoples into a corporate, unconstitutional quasi contract not coming forth with from  
4 a governmental source whatsoever, to strip the people (Defendants) of their rights, give consent,  
5 and control to a foreign Corporation of all their property. Defendants are exercising there rights  
6 and these inalienable rights are not privileges. Plaintiffs subjugated, forced, and threatened  
7 defendants , which is menace that if they do not sign the ticket, they will be arrested.

8 **Menace Definition:**

9 A threat; the declaration or show of a disposition or determination to inflict an evil or injury upon  
10 another. Cumming v. State, 99 Ga. 662,27 S.E, 177; Morril v. Nightingale, 93 Cal. 452, 28 Pac.  
11 1068, 27 Am. St. Rep. 207.

12 **Black Law Dictionary, 3<sup>rd</sup> edition.**

13 Plaintiff, Berkeley Police Department Security Guard # 21 created a evil, wicked de facto debt  
14 declaration to show a disposition or determination in the form of a ticket, to cause injury upon  
15 Defendants by taking their Automobile, Land Conveyance.

16 Therefore Plaintiffs bond is null and void, and their surety is not binding, in that Defendants  
17 signed ticket against their will. Defendants are not in any way responsible financially for any  
18 debts fraudulently con coxed by the Plaintiffs under their de facto, colorable corporate statuses.  
19 Defendants are foreign to Plaintiffs Corporate jurisdiction; Defendants separate themselves from  
20 Plaintiffs strawman, and refuse to be a surety for the strawman. Defendants also did not bargain  
21 away any contract. Defendants knowingly, intentionally, and willingly refused to contract with  
22 the Plaintiffs (State) in order to protect their Inalienable rights forthwith. Defendants took their  
23 Inalienable pre existing rights back, by reclaiming our Inalienable, Substantive rights as Ancient  
24 Indigenous People (Defendants).

25 As well, this ticket number #416008 and any other tickets in no way connects to Defendants  
26 Land Conveyance that was stolen by Berkeley Security guards at arms. In turn, because Plaintiffs  
27

1 have a debt, Plaintiffs stole, seized Defendants Land Conveyance with no Proof of  
 2 Documentation showing they that they own Defendants property, in that they wanted to sell it to  
 3 make finance from it (if they have not already).

4

5

6 (c.)

7 There is a difference between a Corporation and a Natural Indigenous individual. The United  
 8 States Supreme Court has Stated:

9 “We are of the opinion that there is a clear distinction in this particular between an individual and  
 10 a corporation, and that the latter has no right to refuse to submit its books and papers for  
 11 examination on the suit of the State. The individual may stand upon his Constitutional Rights as  
 12 a Citizen. He is entitled to carry on his private business in his own way. His power to contract is  
 13 unlimited. He owes no duty to the State or to his neighbors to divulge in his business, or to open  
 14 his doors to investigation, so far as it may tend to incriminate him. He owes no such duty to the  
 15 State, since he receives nothing therefrom, beyond the protection of his life, liberty, and property.  
 16 His rights are such as the law of the land long antecedent to the organization of the state, and can  
 17 only be taken from him by due process of law, and in accordance with the Constitution. Among  
 18 his right are the refusal to incriminate himself, and the immunity of himself and his property  
 19 from arrest or seizure except under warrant of law. He owes nothing to the public so long as he  
 20 does not trespass upon their rights”.

22 “For while a Citizen has the right to travel upon the public highways and to transport his property  
 23 thereon, that right does not extend to the use of the highways, either in whole or in part, as a  
 24 place for private gain. For the latter purpose no person has a vested right to use the highways of  
 25 the state, but is a privilege or a license which the legislature may grant or withhold at its  
 26 discretion”. **State vs. Johnson, 243 P. 1073; Hadfield, supra; Cummings vs. Homes, 155 P.**  
**27 171; Packard vs. Banton, 44 S. Ct. 256; and other cases.**

28

1   **The Court held that a citizen has the right to travel upon the public highways, but that he  
2   did not have the right to conduct business upon the highways. On this point of law all high  
3   authorities are in agreement.**

4   Defendants refuse to be prosecuted by State (corporate) statutes which denies them of their  
5   Inalienable rights which pre-exist. Judge Chesney is requesting Defendants to give up their  
6   Inalienable rights and surrender these rights to a Foreign State Corporation. How can a  
7   Corporation acting as government give Defendants any rights? They cannot, will not, and never,  
8   never will. It is not within their power in any aspect to do so. Plaintiffs want to do is force  
9   Defendants to give up their rights under their quasi jurisdiction then, require Defendants to pay  
10   finance in order to receive their fraudulent suite of services; in order to receive their property  
11   back, and buy permission from the Plaintiffs, Corporate State in order to travel on the land. In  
12   addition, in that Defendants did not register their Automobile in that Defendants are foreign to  
13   Plaintiffs corporation, as well as Defendants Property is foreign to Plaintiffs  
14   corporation/jurisdiction..

15  
16   This does not automatically give a foreign corporate state authority to seize the Automobile. The  
17   Plaintiffs have no right to bind themselves to Defendants Property, and by the defendants  
18   willingly refusing not to pay their foreign fees did not give Plaintiffs the right to interrupt their  
19   travel.

20   (d.)

21   Judge Chesney is committing an unconstitutional act by her own will and is not following the  
22   Constitution. Judge Chesney is also violating Defendants Inalienable rights, in turn she is  
23   supporting the State (Plaintiff) Corporation statutes, ignoring, the United States Constitution.  
24   Plaintiffs are therefore damaging and injuring by force Defendants rights to their property  
25   because Defendants canceled their Drivers license Instrument contracts earlier last year in  
26   writing.

27   Defendants came to conclusion that they are not going to give up their Inalienable rights to a  
28

1 Foreign Corporate State wanting compensation for their unconstitutional services to travel on the  
2 land. Defendants know that it's better for them not to contract with these unscrupulous persons.  
3 Defendants know that they have Constitutional right to travel on their land by divine right, and  
4 they do not need paid permission from the Plaintiffs.

5 It may be said that a tax of one dollar for passing through the state cannot sensibly affect any  
6 function of government or deprive a Citizen of any valuable right. But if a state can tax... a  
7 passenger for one dollar, it can tax him a thousand dollars. **Crandall vs. Nevada 6 Wall 35, 46.**

8  
9 If the right of passing through a state by a Citizen of the United States is one guaranteed by the  
10 Constitution, it must be sacred from state taxation. **Ibid., p47.**

11 The State cannot diminish rights of the People. **Hurtado vs. California, 110 US 516.**

12 Any attempt by the legislature to make the act of using the public highways as a matter of Right  
13 into a crime, is void upon it's face.

14 Plaintiffs put in place their Revenue Guards who take portable property and rights from another  
15 by their ill will, for their own ill gotten gain, and fraudulent use by breaking the law. They are  
16 wicked, evil persons operating under this foreign, artifice corporation. Defendants are not, and  
17 will never be artificial. Defendants are Natural Beings.

18  
19 It is the Duty of the Court to recognize the substance of things and not the mere form.

20 The Plaintiffs cannot, and will not ask Defendants to voluntarily surrender complete liberty in  
21 order to accept their suite or statutes, and regulations; nor would Defendants do so; which is  
22 another reason why Defendants cancelled in writing their drivers licence, and refused to pay  
23 registration taxes to the Plaintiffs. Plaintiffs should be paying Defendants taxes just for being  
24 here on this land mass.

25 State of California cannot give Defendants whatsoever any explicit statutory enactments under  
26 equal racial civil rights. This was stated in Judge Chesney, Order to Remand Case. Defendants

1 will not accept or agree to any delusional crap like that.

2 Just by the acts of the Plaintiffs it is obvious that they detest, the United States Constitution, and  
3 have no respect for it, in that their criminal actions illustrates such.

4 Defendants object to all colored, de facto, foreign procedures, and unconstitutional procedures  
5 that are unlawfully, fraudulently proceeding in any court.

6 Rights are not given to the Plaintiffs to in turn give to Defendants. This is in reference to Judge  
7 Chesney filing December 28, 2007 page 2, line 6, Order Remanding Action to State Court.

8

9 (e.)

10 Inalienable birth rights are inherent within Defendants, Defendants are in accordance with  
11 Nature. Defendants are exercising their Natural rights. The Common Law respects the pre-  
12 existence of such rights under Indigenous laws and customs. State Corporations, and Federal  
13 Courts cannot give Ancient Indigenous Peoples what is already inherit and natural within them,  
14 for State Corporations do not have the power or ability to create Ancient Indigenous Natural  
15 people(s) which were already here on earth centuries, and centuries before State Corporations  
16 operated their businesses.

17 Judge Chesney denied Defendants of their Inalienable rights in that she proceeded to remand the  
18 case without taking fair notice of Defendants pedigree, natural and Indigenous Status. It seems  
19 as if she done it in a hurry and she does not want to deal with the truth of the matter.

21 Judge Chesney seemed not to want to comply with the Constitution of the United States of North  
22 America, the Treaty of Peace and Friendship of 1787, and the Rights of Indigenous Peoples.

23 Judge Chesney appeared to want to subjugate Defendants and bar them from their Constitutional  
24 and Inalienable rights as Natural human beings in her decision to remand this case.

25 Judge Chesney can remand, dismiss as many times as she wants; The fact is Defendants  
26 Inalienable rights will always be with them and no one and nothing will never take that away,  
27 because it is by natural birthright.

1   **Amendments to the Constitution of the United States of America**

2   Amendment: 9

3   The enumeration in the Constitution of certain rights shall not be construed to deny or disparage  
4   others retained by the People.

5         .....

6

7   These certain rights that the Constitution are talking about are Inalienable rights. These are the  
8   same rights that Judge Chesney are denying the Defendants of in every aspect. Defendants retain  
9   from within Inalienable rights, and they cannot banned. Inalienable rights cannot be remanded,  
10   construed, or disparaged.

11   (f.)

12   Judge Chesney is in error in that she failed to recognize that the Plaintiffs in this case Cannot  
13   issue rights or title to any property under the United States Constitution, therefore they have no  
14   lawful right to possess, hold or sell Defendants Property. Defendant stated such in writ of  
15   Mandamus filed December 20, 2007, page 14 defendant stated under;

16   **Constitutional law, Article 1 section 9**

17   "No title of Nobility shall be granted by the United States: And no people holding office of  
18   Profit or Trust under them, shall without the Consent of the Congress, accept of any present,  
19   Emolument, Office, or Title, of any kind whatever, from any king, prince or foreign State."

20   Judge Chesney never commented remanding this case under Defendants inalienable rights, nor  
21   did Chesney remand this case under the Federal Question, nor under lacking Subject Matter  
22   Jurisdiction rule 28 U.S.C .§ 1447 (c) . All of these issues are discussed/addressed in the Writ of  
23   Mandamus, in the Nature of Removal filed December, 20 2007.

24   *"When peoples in government go against the very thing they took and oath and affirmation to  
25   uphold and protect, it causes refutable harm to the people."*

26         .....

1 Did the Plaintiffs receive permission granted to them from Congress to seize Defendants  
2 automobile by using a Certificate of Title that they created?  
3 A certificate of Title is not a title at all. It just states that there is a title located somewhere.  
4 Defendants hold title to the said property automobile. Judge Chesney has thrown the United  
5 States Constitution out of the window. It's not over yet.  
6 Did the Plaintiffs receive granted permission from Congress to lay and collect taxes, and go after  
7 Natural Indigenous Peoples if they do not pay registration fees, and apply for a fraudulent Drivers  
8 license/strawman or Man of Straw? Did Congress give and grant permission to the Plaintiffs that  
9 if Defendants do not do what they say then wickedly punish them, and inflict evil, harsh fines on  
10 them by seizing their automobile; and hold it until they pay the fraudulent taxes/fines, and  
11 infractions; then, and only then, after you have ran them ragged all over town, exhausted them,  
12 starved them, made them angry, emptied their pockets, get them to submit to your deception by  
13 signing a fraudulent foreign, adhesive, contract to do business with you, make them think that  
14 there is no other way out of the situation, trick/ trap them; after they give allegiance, return their  
15 automobile back to them? This violates International Law, is international crime, and is a  
16 monopoly . Even if one does not conform to their rules, Plaintiffs keep stolen property. These  
17 things are not aligned with the United States Constitution of North America. These above  
18 abusive, fraudulent actions are of the Corporate State (Plaintiff). Did Congress instruct Plaintiffs  
19 to ignore Inalienable rights of Natural Indigenous Peoples? Defendants know that is not the case,  
20 and nor is it stated in the United States Constitution. International crime has been committed,  
21 with Plaintiffs stealing property, an organized crime to trap Indigenous People to make it look  
22 like there is no other option to cure this situation.

24 **Amendment to the United States of America / 5<sup>th</sup> Amendment**

25 No people shall be held to answer for a capital, or otherwise infamous crime, unless on a  
26 presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or  
27 in the Militia, when in actual service in time of War or public Danger; nor shall any people be  
28

1 subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in  
2 any criminal case to be a witness against himself, nor be deprived of life, liberty, or property,  
3 without due process of law; nor shall private property be taken for public use, without Just  
4 compensation.

5 **\*\*\*\*\***

6 Indigenous Peoples have the inherent rights to be different, and be respected as such.  
7 Whosoever peoples of any Corporation, State, County, City, or governmental Officials who  
8 violate, are purposely blind to, or act ignorant regarding their Oath-bound  
9 requirements/responsibilities concerning issues regarding the Peoples Inalienable Substantive  
10 rights, by abusing their limited authority, and construing the Natural Peoples rights; including  
11 those in Departments of government and State are not pardoned from practicing “color of law &  
12 color of authority”.

13  
14 A two- year old baby has common good sense to know, and be able to sense the fraud,  
15 misconduct, misrepresentation of these horrible persons!

16 In that his natural instinct would alert the child that something is not right; and his intelligence  
17 would point out where or who it’s coming from.

18 The child’s natural reaction would be to stay away from those foul persons, and would resort to  
19 crying knowing these foul persons are up to no good.

20 Defendants Inalienable rights declared their own names and customs (Refer to the International  
21 Community of the Nations of the Earth. E/Cn. 4/Sub.2/1994/2/ Add. 1 (1994).

22  
23 **Affirming That Indigenous Peoples Are Equal in Dignity And Rights to All Other People, While**  
24 **Recognizing The Rights of Indigenous Peoples to Be Different., To Consider Themselves**  
25 **Different, And to Be Respected As Such.**

26 **Part 1 Article 1:**

27 Indigenous People have the right to the full and effective enjoyment of all human rights and  
28

1 fundamental freedoms recognized in the charter of the United Nations. The Universal  
2 Declaration of Human Rights and International Human Rights Law.

3 **Part 1 Article 2:**

4 Indigenous individuals and peoples are free and equal to all other individuals and peoples in  
5 dignity and rights, and have the right to be free from any kind of adverse discrimination of  
6 human rights on their indigenous origin and identity.

7 **Part 1 Article 3:**

8 Indigenous people have the right of self determination, by virtues of that right, they freely  
9 determine their political status and freely pursue their economic, social, and cultural  
10 development.

11 **Part 1 Article 4:**

12 Indigenous people have the right to maintain and strengthen their distinct political, economic,  
13 social and Cultural life of the State.

14 **Part 1 Article 5:**

15 Every Indigenous individual has the right to a Nationality.

16 **Part 1 Article 6:**

17 Indigenous people have the collective right to live in freedom, peace, and security as distinct  
18 people, and to full guarantees against genocide or any other acts of violence, including the  
19 removal of indigenous children from their families and communities under any pretext.

20 .....

21 (g.) Defendants claim that Plaintiffs in this case number #C-07-6126 have violated the United  
22 States Constitution of North America-and are in violation of International Laws ( to which the  
23 United States is a party) by trying to deprive the Defendants of their Natural Inalienable Rights,  
24 and Rights of Indigenous Peoples. Denying Defendants "Due Process" under the Constitutional  
25 Law of the Land. Natural Indigenous Peoples have the secured right by the Constitution for  
26 redress and access to the courts.

27  
28

1 Judge Chesney personal attacks and mockery of Defendants filings/writings, which are in  
 2 contempt of the Constitution, the Supreme Law of the Land. Judge Chesney seems irritated in  
 3 that Defendants have and retain Inalienable rights, otherwise why would she state that  
 4 Defendants need the State Court to give them rights? Something is rotten here.

5 An old rule of law that “no one shall be bound (restricted) until he has had his day in court”.

6 Until he has been duly cited to appear and has been afforded an opportunity to be heard.

7 Judgment without such citation and opportunity lacks all attributes of a judicial determination; it  
 8 is judicial usurpation and it is oppressive and can never be upheld where it is fairly administered.

9 **12 Am.Jur. [1<sup>st</sup>] Const. Law, Sect. 573, p. 269.**

10 Judge Chesney has committed an oppressive judicial usurpation by not allowing Defendants case  
 11 to be heard in an Original Jurisdiction Court of Law. Judge Chesney is depriving the Defendants  
 12 of being afforded the chance of effort for defendants case of economic injuries, and grievances to  
 13 be addressed. These actions violate the Inalienable, Substantive Rights of the People  
 14 (Defendants).

16 **Supreme Court Rulings on the Subject Matter Concerning Right to Travel**

17 *Having to address the many grievances, property losses, economic injuries and torts made  
 18 against Natural Beings and the Citizens, by way of Quasi-Criminal Traffic Courts, their  
 19 employees, and their officers, in their practices of violating the Substantive Rights of the People,  
 20 and that Quasi-Criminal Courts have been, and are, openly violating Substantive law. The  
 21 Supreme Court has ruled on the Matters of the People's retained and secured Substantive Rights  
 22 to Travel on the Public Roads and Highways.*

24 **Substantive Rights are such Rights, which are in accordance with nature, spirit, and principle  
 25 inherent in those rights to life liberty, to property, and to the pursuit of happiness; in that such  
 26 rights are inalienable. Substantive Law is part of the Law which creates, defines, and regulates  
 27 the securing of those Rights. The Supreme Court has ruled, determined, stated, and declared for  
 28**

1 *the Public Record the Following-being the Supreme Law of the Land, to secure the Substantive  
2 Rights of the People in that;*

3 *State laws are unconstitutional, should they mandate restrictions on traveling, parking,  
4 licensing, registration, and insurance requirements. The People's right to travel, absent of  
5 colorable documents, restrictions or hindrances, has been adjudicated and addressed by the  
6 Court.*

7 **Supreme Court: United States v. Lee. 106 US 196, 1 S. Ct. 240 (1882)**

8 *No Man in this country is so high that he is above the law. No officer of the law may set the law  
9 at defiance with impunity. All officers of the government, from the highest to the lowest, are  
10 creatures of the law and bound to obey it. It is the only supreme power in our system of  
11 government, and every man who by accepting office, participates in its functions is only the more  
12 strongly bound, to submit to that supremacy, and to observe the limitations which it imposes  
13 upon the exercise of the authority which it gives. (106 US at 220). Shall it be said that the courts  
14 cannot give remedy when the citizen has been deprived of his property by force, his estate seized  
15 and converted to the use of government without any compensation, because the President has  
16 ordered it? If such be the law of this country, it sanctions tyranny which has no existence in the  
17 monarchies of Europe, not in any other government which has a just claim to well regulated  
18 liberty and protection of peoples rights. (106 US at 220, 221).*

19 .....

20 **Amendments to the Constitution of the United States of America**

21 Amendment: 1

22 Congress shall make no law respecting an establishment of religion, or prohibiting the free  
23 exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people  
24 peaceably to assemble, and to petition the Government for a redress of grievances.

25 .....

26 **(h.)**

27 The Plaintiffs in this case and their entities have broken/violated the law by using force of their

1 arms to steal/rob from the people in their Faces by unlawfully extorting, seizing their personal  
 2 property, and personalty; violating the 1<sup>st</sup>, 5<sup>th</sup>, and 4<sup>th</sup> Amendments, armed robbery, conspiracy,  
 3 deprivation of life, liberty, and Property, misrepresentation, menace, fraud, and violating  
 4 International Laws. Plaintiffs Revenue, Code Enforcement Guards were armed when the incident  
 5 took place on November 27, 2007 which is the reason why Defendant filed the cause for suit of  
 6 removal to a Original Proper Jurisdiction.

7 This action on Defendants part was to address the issues of diversity, Inalienable Rights, and  
 8 Under What Authority, in the first place.

9 (i.)

10 Any attempt of any officer to claim jurisdiction, or any court trying to claim or seize jurisdiction  
 11 over an Indigenous Natural People, their property, or subject matters that is outside of their  
 12 jurisdiction to effectuate a claim is a act of fraud, which is a crime. That is exactly what is  
 13 happening in this case.  
 14

15

16 **Amendments to the Constitution of The United States of America**

17 Amendment:4

18 The right of the people to be secure in their peoples, houses, papers , and effects, against  
 19 unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon  
 20 probable cause, supported by Oath and Affirmation, and particularly describing the place to be  
 21 searched, and the peoples or things to be seized.

22 .....

23 Plaintiffs never presented Defendants with an Indictment/Warrant from a Grand Jury from any  
 24 Court stating that Defendant violated Constitutional Law. Defendants weren't mailed at any time  
 25 a Official Indictment stating any such crime on Defendants part. Nor were Defendants notified by  
 26 mail any paperwork/documentation from Plaintiffs regarding Defendants property after if was  
 27 towed by East Bay Towing, located in Berkeley, California.. Plaintiffs never gave Defendants

1 opportunity to settle the matter outside of their jurisdiction to restore their property back to them.  
2 Plaintiffs want Defendants to adhere to their policies and pay fees in order to receive their Land  
3 Conveyance back into Defendants rightful possession. Defendants are the rightful owners of the  
4 Automobile/land Conveyance, no fraudulent paperwork on Plaintiffs part can change that, no  
5 matter what they do or say. Plaintiffs have no right to sell or auction Defendants Property off,  
6 which constitutes fraud, and a Illegal Sale of property/ selling stolen property not belonging to  
7 the Plaintiff for profit. That action in itself is unconstitutional in every regard. No one has lawful  
8 control over Defendants property/Land Conveyance, and Defendants demand that it be returned  
9 back to them.

10 Plaintiffs are not of a governmental entity, they are a public agency, with public policies, that are  
11 unconstitutional.

12 It is clearly apparent that Judge Chesney is using false information to feign a justification to  
13 remand this case #C-07-6126 in order to block Defendants of Due Process, in order that  
14 Defendants case can be heard, and receiving their property back to them can be addressed.  
15 These erroneous actions have brought injury to Defendants, and their families from the affects of  
16 Plaintiffs actions.

18  
19 (3.)

20 In Order Remanding Action dated December 28, 2007, Judge Chesney filed, on page 2 stating  
21 that "Defendants must assert that the state courts will not enforce that right, and that allegation  
22 must be supported by reference to the state statute or constitutional provision that purports to  
23 command the state courts to ignore federal rights".

24  
25 In response for review, Defendants did assert that the state courts will not enforce that right.  
26 Defendants stated in Writ of Mandamus in The Nature of Removal, filed December 20, 2007;  
27 page 13, **Owens v. City, 445 US 662(1980);**

28 The State is prohibited from violating substantive rights; and it cannot do by one power (eg

1 Police Power) that which is , for example prohibited expressly to any other such power(eg  
 2 Taxation/Eminent Domain as a matter of Law. **US and UT v. Daniels, 22 p 159.**  
 3 This case relates to defendants in that the Plaintiff Berkeley Police Department Conspired with  
 4 the State of California, Department of Motor Vehicles. Their motive was to fraudulently tort,  
 5 extort Defendants property away from them, denying their Inalienable, substantive rights, trying  
 6 to create a condition of forced servitude which is a condition of oppression; in where Defendants  
 7 cannot enjoy their liberties, and deprives them of their property.

8 Defendants have a right to their own Property, Papers, and Effects by their own Indigenous right  
 9 which is guaranteed in the United States Constitution; in harmony with The California  
 10 Constitution. Plaintiffs committed grand theft auto of Defendants effects, and ignored  
 11 Defendants paperwork which Defendants are secure in.

12 (a.)

13 Judge Chesney filed December 13, 2007, Order directing defendants to supplement notice of  
 14 Removal; Directing Defendants to serve Plaintiffs; Granting application to proceed in Forma  
 15 Pauperis. In that filing on page, line 15, Judge Chesney states “If defendants fail to timely file  
 16 either the above-referenced supplement to the notice of removal or the requisite proof of service,  
 17 the Court will remand the matter to state court. See 28 U.S.C. § 1447 (c) (“If at any time before  
 18 final judgment it appears that the district court lack subject matter jurisdiction, the case shall be  
 19 remanded.”)

21 Judge Chesney did not remand the case for lacking subject matter jurisdiction in her ruled filing  
 22 December 28, 2007. Defendants included subject matter Jurisdiction/Federal Question in their  
 23 filed Writ of Mandamus, in the Case of Removal, as a supplement per Judge Chesney  
 24 instructions..

25 (b.)

26 Economic assistance is what the Plaintiffs needs to survive, Indigenous Natural Peoples are not  
 27 obligated to support the Corporate State, nor their employees, or officers. In order for Plaintiffs to  
 28 survive, they need to illegally steal and rob from the people and make it look like it is a crime on

1 the Peoples (Defendants) part. This is not the correct way of the true law of the land.

2 Economic necessity cannot justify a disregard of Constitutional guarantee. **Riley vs. Carter 79**

3 **ALR 1018: 16 Am.Jur (2<sup>nd</sup>), Const. Law, Sect**

4 and,

5 Constitutional Rights cannot be denied simply because of hostility to their assertions and  
 6 exercise; vindication of conceded Constitutional rights cannot be made dependent upon any  
 7 theory that it is less expensive to deny them than to afford them. **Watson vs. Memphis, 375 US**  
 8 **526**

9 Therefore,

10 The Courts decision in the instant case must be made without the issue of cost to the state being  
 11 taken into consideration, as that issue is irrelevant. The state cannot lose money that it never had  
 12 a right to demand from the "Natural Indigenous People".

13 As well,

14 No public policy of a state can be allowed to override the positive guarantees of the United States  
 15 Constitution. **16 Am.Jur. (2<sup>nd</sup>), Const.Law,Sect.70.**

16 .....

20 **United States Constitution 14<sup>th</sup> Amendment section 1.**

21 All peoples born or naturalized in the United States and subject to the jurisdiction thereof, are  
 22 citizens of the United States and of the State wherein they reside. No State shall make or enforce  
 23 any law which shall abridge the privileges or immunities of citizens of the United States; nor  
 24 shall any State deprive any people of life, liberty, or property, without due process of law; nor  
 25 deny to any people within its jurisdiction the equal protection of laws.

26 .....

27 (c.)

28 Defendants Indigenous documents showing their rights to travel, their Indigenous status was

1 rejected, by the Plaintiffs (State of California) et al, choose to go by their incorrect fraudulent  
2 cusive records to override Defendants Inalienable rights as Indigenous, Natural Peoples.

3 Plaintiffs statuses cannot be determined to be reasonable since it requires the Non Citizen or  
4 Citizen to give up his or her natural Right to travel unrestricted in order to accept the privilege.  
5 The purported goal of statutes is oppressive, manipulative, and insidious.

6 The Courts are Duty Bound to recognize and stop the "stealthy encroachments" which have been  
7 made upon the Citizens right to travel and to use the roads to transport his property in the  
8 ordinary course of life and business., Further the court must recognize that the right to travel is  
9 part of the Liberty of which a citizen cannot be deprived without specific cause and without the  
10 due process of law guaranteed in the Fifth Amendment.

11 Drivers License is a corporate, taxable instrument with an intent of giving privilege, permission.  
12 Definition of the word **Permit** means to suffer, to allow, to let, to give leave or license; to  
13 acquiesce, by failure to prevent, or expressly assent or agree to the doing of an act.

14 The Plaintiffs have committed a massive constructive fraud, because they told Defendants they  
15 must have a drivers license to use the public roads and highways. No notice of any kind is given  
16 to the people (Defendants) by any mail or any other type of documentation stating that they have  
17 a right to use the roads without any permission, and that they need to surrender a truly valuable  
18 right by taking on a regulation system to license themselves.

19 **Conclusion:**

20 Plaintiffs have totally, disregarded, against their own State Constitution for which they have set  
21 up. Plaintiffs denied, deprived Indigenous People of their natural rights. Plaintiffs instituted this  
22 California Constitution, but denied/blocked it from the People, (Defendants) without probable  
23 cause. Plaintiffs have denied Defendants of their inalienable rights, as well as their right to  
24 protect, possess their property, violated their personal privacy by searching and seizing their  
25 Automobile, committed cruel, and unusual punishment by stealing Defendants automobile and  
26 inflicting excessive fines that were imposed on Defendant.

1 The Plaintiffs abandoned their own constitution and enforced their de facto statutes in every  
 2 regard. These acts of the Plaintiffs are acts of war and is a crime against Defendants who are  
 3 Ancient Indigenous Peoples.

4 California Constitution Sections;

5 **CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS SECTION 1.**

6 *All people are by nature free and independent and have inalienable rights. Among these are  
 7 enjoying and defending life and liberty, acquiring, possessing, and protecting property, and  
 pursuing and obtaining safety, happiness, and privacy.*

8 **CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS SEC. 17.**

9 *Cruel or unusual punishment may not be inflicted or excessive fines imposed.*

10 **CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS SEC. 20. Non  
 citizens have the same property rights as citizens.**

12 **CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS SEC. 9.**

13 *A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be  
 passed.*

14 **CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS SEC. 10.**

15 *Witnesses may not be unreasonably detained. A people may not be imprisoned in a civil action  
 for debt or tort, or in peacetime for a militia fine.*

17 **PLAINTIFFS VIOLATED ALL THEIR STATE CONSTITUTIONAL LAWS.**

18 PLAINTIFFS DENIED DEFENDANTS THEIR INALIENABLE RIGHTS GIVEN TO THEM  
 BY NATURE; DENIED THEIR RIGHT OF DEFENDING LIFE AND LIBERTY IN  
 19 ACQUIRING, POSSESSING, AND PROTECTING THEIR PROPERTY; PURSUING AND  
 OBTAINING SAFETY, HAPPINESS, AND PRIVACY; INFILCTED EXCESSIVE FINES  
 20 IMPOSED ON DEFENDANTS; DENIED DEFENDANTS RIGHTS AS NON CITIZENS;  
 DEPRIVED DEFENDANTS RIGHTS AS ANCIENT INDIGENOUS PEOPLES; IMPLIED EX  
 21 POST FACTO LAW, AND ENFORCED OBLIGATION TO FRAUDULENT CONTRACTS;  
 THREATENED DEFENDANTS IMPRISONMENT REGARDING A CIVIL ACTION FOR A  
 22 FRAUDULENT UNCONSTITUTIONAL STATUTE, COMMITTING MENANCE *Cumming  
 v. State, 99 Ga. 662, 27 S.E. 177; Morill v. Nightingale, 93 Cal. 452, 28 Pac. 1068, 27 Am. St.*  
 23 PLAINTIFF COMMITTED FRAUD BY INDUCEMENT, FRAUD BY  
 24 MISREPRESENTATION, FRAUD BY NON DISCLOSURE OF CONTRACTS, FRAUD BY  
 NON DUE PROCESS, FRAUD BY IMPAIRING NATURAL PEOPLE BY FORCE  
 25 OBLIGATION TO FOREIGN CONTRACTS, ENFORCING FRAUDULENT  
 ARTIFICES/FICTITIOUS ADVOCACIES *Rep. 207*(without a proper indictment presentment  
 from a Proper court AT LAW) DEBT BY EXTORTING, COMMITTING THEFT; SEIZED  
 27 DEFENDANT'S PROPERTY.

1           **Memorandum Definition:**

2           Last Paragraph,

3           This word is used in the statute of frauds as the designation of the written agreement or note or  
 4           evidence thereof, which must exist in order to bind the parties in the cases provided. The  
 5           memorandum must be such as to disclose the parties, the nature and substance of the contract, the  
 6           consideration and promise, and be signed by the party to be bound or his authorised agent. See 2  
 7           Kent, Comm. 510.

8           **Black Law Dictionary., 3<sup>rd</sup> Edition.**

9           Defendant's refuse to license, contract with the State of California, Department of Motor  
 10          Vehicles in that their statutes are not applicable regarding Ancient Indigenous Peoples right to  
              travel on the land. After Defendants cancelled license earlier last year, Plaintiffs never disclosed  
 12          to Defendants that an agreement must be made with them in signing a contract for a Drivers  
 13          license in order to receive permission to travel on the land.

15          Defendants do not need permission to travel on the land. Since the State cannot give  
 16          Defendants rights, surely Plaintiffs permission is obsolete and irrelevant.

18          Defendant Makare Akhet Aten Simon El Bey was traveling in automobile land conveyance  
 19          November 27, 2007; and by the United States Constitution her rights are secured, and are pre-  
 20          existing; meaning even before the Constitution was established; inalienable and substantive  
 21          which exists by nature, are naturally instant to be put in force.

22          Defendants stated in Writ of Mandamus in The Nature of Removal reference to case **Mugler v.**  
 23          **Kansas 123 US 623, 659-60** and other following cases which states; Under United States  
 24          Republic's Constitutional system of Government and upon the individuality and intelligence of  
 25          the citizen, the State does not claim to control one's conduct to others, leaving one the sole judge  
 26          as to all that affects oneself.

28          Defendants entered on page 11: The right to Park and Travel is part of the Liberty of which the

1 Natural People and citizens cannot be deprived without due process of the law under the Fifth  
2 Amendment of the United States Constitution. **Kent v. Dulles** 357 US 116, 125.

3 The Right to Travel; The right to Mode of Conveyance; the Right to Locomotion are all absolute  
4 Rights, and Police cannot make void the exercise of rights. **State v. Armstead**, 60 s. 778, 779,  
5 and 781.

6 The Right of a Citizen to Travel upon the public highways and to transport one's property  
7 thereon, either by carriage or automobile, is not a mere privilege, which a City may prohibit or  
8 permit at will, but a common right, which he/she has under the right to life, liberty, and the  
9 pursuit of happiness. **Thompson v. Smith** 154 SE 579.

10 Page 10 of document states; The permission, by competent authority to do an act which without  
11 permission, would be illegal, a trespass, or a tort. **People v. Henderson**, 218 NW. 2d 2,4.

12 Leave to do a thing which licensor could prevent. **Western Electric Co. Vs. Pacent Reproducer**  
13 **Corp.**, 42 F 2d 116, 118.

14 Defendants prayerfully requests that the court relief them from Remanded Order. Judge Chesney  
15 Order Remanding Action to State Court is in error. Denying Defendant of their inalienable  
16 rights, and due process in which the Federal Courts are to protect against these encroachments  
17 are in violation of the Supreme Law of the Land. Judge Chesney Order is void of Judgement for  
18 the above reasons stated in this response.

19 Case was not remanded under Lack of Subject Matter Jurisdiction /Federal Question, which was  
20 required in Judge Chesney's Filings. Defendant moves in request that this Court of Original  
21 Jurisdiction reverse, pardon, and relief this void order in respect given the above stated  
22 objections, violations, unconstitutional actions, extorts, frauds, encroachments, menaces, et al.  
23

## ***Declaration***

*The signed Defendant Emanuel Simon El Bey solemnly express that I honor and respect the United States Constitution, which is the Supreme Law of the Land., and the contents in this Lawful writ forthwith, is true, and correct to the best of my knowledge.*

Emile B. Borchardt

Emanuel Simon El Bev

In Propria

Date 2/7/08

*The signed Defendant Makare Akhet Aten Simon El Bey solemnly express that I honor and respect the United States Constitution, which is the Supreme Law of the Land., and the contents in this Lawful writ forthwith, is true, and correct to the best of my knowledge.*

Jeffrey L. Gray

## **Makare Akhet Aten Simon El Bey**

In Propria

Date 2/7/08